

REMARKS

Applicants respectfully traverse the restriction requirement and provisionally elect the subject matter of Group III, claims 52-64, drawn to a method of modifying the fatty acid content in transformed plant seeds, classified in class 800, subclass 287. However, Applicants submit that the Office has not proven that the search and examination of the entire application would impose an undue burden. Applicants submit that complete examination would be handled most expeditiously by treating all of the pending claims as a single entity. As MPEP §803 directs, “[i]f the search and examination of an entire application can be made without serious burden, the examiner must examine it on the merits, even though it includes claims to independent or distinct inventions.”

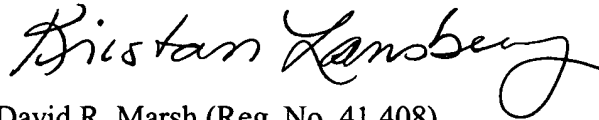
At least, Groups I and III should be should be examined simultaneously since the Examiner merely alleges that these methods require the use of different starting materials or result in the production of different products, but provides no evidence. Accordingly, examination of Groups I and III together would pose no undue burden on the Examiner.

Claims 37-65 are currently pending. In order to facilitate prosecution, however, Applicants have withdrawn claims 51 and 65 without prejudice or disclaimer to the subject matter disclosed therein by way of the present amendment. It is noted that these claims have been withdrawn as directed to a non-elected invention. Regardless, Applicants reserve the right to prosecute the non-elected invention in a continuing application.

CONCLUSION

Each of the presently pending claims is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to pass this application to issue. The Examiner is encouraged to contact the undersigned at (202) 942-5186 should any additional information be necessary for allowance.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Kristan Lansbery", with a stylized, flowing script.

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